

Remarks

Claims 5-13 are pending. Claims 1-4 and 14-17 have been subjected to restriction by the Examiner and canceled by applicants. Claim 12 is drawn to the process of making the compounds of claims 5-11. Applicants respectfully request that this claim be rejoined under the *Ochiai* guidelines upon the finding of allowable subject matter.

IDS

Applicants are submitting an additional IDS for the references not initialed by the Examiner on the returned Form 1449. The Examiner has indicated that the crossed-out references on the IDS cannot be located in parent application files 09/617,529 and 08/915,366.

Restriction Requirement

Applicants made an election of species for the compounds of the pending claims. The Examiner has alleged that the elected species, the first compound of Table 2, page 99, is not patentable over the prior art. Applicants note that the Examiner has stated that "[t]he generic concept has been examined, inclusive of the elected species." Applicants understand that for purposes of the restriction requirement all of the compounds of the present invention fall within Group III. Applicants have amended the claims to excise the elected species and respectfully request examination of all of the present compounds.

Rejections Under 35 USC § 112

Applicants have removed the term "metabolite" from claims 5 and 6, rendering this rejection moot. Claim 5 has been amended to give claim 6 proper antecedent basis.

Rejections Under 35 USC §§ 102, 103

In order to advance prosecution and without conceding to the Examiner's rejection, applicants have amended the claims to remove the compounds of claims 5 and 6 wherein the 1' is an unsubstituted alkyl or ketone alkyl. Applicants contend the presently claimed compounds are not suggested by the cited references and, therefore, are not obvious. Accordingly, applicants submit that the present application is in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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